

PAYMENT TO CROW INDIAN TRIBE FOR CONSENT TO TRANSFER  
OF RIGHT-OF-WAY FOR YELLOWTAIL DAM UNIT, MISSOURI  
RIVER BASIN PROJECT, MONTANA-WYOMING

MAY 23, 1956.—Ordered to be printed

Mrs. FROST, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany S. J. Res. 135]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 135) for payment to Crow Indian Tribe for consent to transfer of right-of-way for Yellowtail Dam unit, Missouri River Basin project, Montana-Wyoming, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House striking the preamble;

That the Senate recede from its disagreement to the House amendment to the title; and

That the Senate recede from its disagreement to the amendment of the House to the language following the resolving clause and agree to the same with an amendment as follows:

In lieu of the matter inserted by the House amendment insert the following: *That from funds appropriated to the Department of the Interior, Bureau of Reclamation, for the Missouri River Basin project, there shall be transferred in the Treasury of the United States to the credit of the Crow Tribe of Indians, Montana, to be available in accordance with the Act of June 20, 1936 (49 Stat. 1543), the sum of \$5,000,000 as just compensation for the transfer to the United States as herein provided of the right, title, and interest of the Crow Tribe in and to certain tribal lands required for the construction, operation, and maintenance of the Yellowtail unit, Missouri River Basin project: Provided, however, That no attorney fees shall be allowed out of the amount paid under the authority of this resolution: Provided further, That neither the initial transfer of such funds to the Tribe, as provided herein, nor any subsequent per capita distribution thereof, shall be subject to Federal income tax.*

SEC. 2. (a) Subject to the provisions of this section, there is hereby transferred to the United States the right, title, and interest of the Crow Tribe in and to lands situated in the Big Horn County, Montana, hereinafter described under the headings "PARCEL A" and "PARCEL B" and in and to such lands, additional to parcels A and B, as the Secretary of the Interior, hereinafter referred to as the Secretary, determines to be required for the construction thereon of minimum basic recreational facilities for the accommodation of the public visiting the Yellowtail unit.

#### PARCEL A

Lots 7, 8, 9, 10, 11, and 12, northeast quarter of the southwest quarter and the east half of the southeast quarter of section 18; lots 1, 2, 3, 4, 5, and 6, the southwest quarter of the northeast quarter, southeast quarter of the northwest quarter, and the northeast quarter of the southwest quarter of section 19, all in township 6 south, range 31 east, Montana principal meridian, and containing 573.84 acres, more or less.

A tract of unsurveyed, unallotted Indian land described as follows: Beginning on the westerly side of the Big Horn River at a point on the west line of lot 9, section 18, township 6 south, range 31 east, Montana principal meridian, said point being at elevation 3,675; thence running upstream along a contour line whose elevation is 3,675, to a point of intersection with the east line of the southeast quarter of the northeast quarter of section 22, township 6 south, range 30 east, Montana principal meridian; thence southerly along the east line of said southeast quarter of the northeast quarter to a point on the east line of said southeast quarter of the northeast quarter, whose elevation is 3,675; thence running upstream along a contour line whose elevation is 3,675, to a point of intersection with the south boundary of the Crow Indian Reservation on the westerly side of the Big Horn River; thence easterly along the said south boundary of the Crow Indian Reservation to a point of intersection with the middle of the thread of the Big Horn River; thence running upstream along the middle of the thread of the Big Horn River to a point of intersection with the south line of township 9 south, range 28 east, Montana principal meridian; thence easterly along the south line of said township 9 south, range 28 east, to a point on the south line of said township 9 south, range 28 east, Montana principal meridian, whose elevation is 3,675 feet; thence running downstream along a contour line whose elevation is 3,675 to a point of intersection with the west line of township 6 south, range 31 east, Montana principal meridian; thence northerly along the west line of said township 6 south, range 31 east, to the point of beginning, and containing 4,771.6 acres, more or less.

Also, a parcel of land lying along the south boundary of the Crow Indian Reservation, further described as follows: Beginning at a point where the 3,675 foot contour to the left of the Big Horn River intersects the south boundary of the Crow Indian Reservation, said point being approximately 5,400 feet westerly of the point of intersection of the Big Horn River and the south boundary of the Crow Indian Reservation; thence running upstream on the 3,675-foot contour to a point where the 3,675-foot contour intersects the south boundary of the Crow Indian Reservation; thence running easterly along the south boundary of the Crow Indian Reservation to the point of beginning and containing 5.7 acres, more or less.

Also, a parcel of land lying along the south boundary of the Crow Indian Reservation and along Hoodoo Creek further described as follows: Beginning at a point on the south boundary of the Crow Indian Reservation where the 3,675-foot contour on the east bank of Hoodoo Creek intersects the south boundary of the Crow Indian Reservation; thence running upstream on the 3,675-foot contour to its intersection with the middle of the thread of Hoodoo Creek; thence running downstream on the 3,675-foot contour to a point where the 3,675-foot contour intersects the south boundary of the Crow Indian Reservation; thence easterly along the south boundary of the Crow Indian Reservation to the point of beginning and containing 1.3 acres, more or less.

The total area above described is 5,352.44 acres, more or less, situated in Big Horn County, Montana.

#### PARCEL B

Lots 1, 5, and 6 of section 18, lots 4, 6, 7, and 8, and the south half of the northwest quarter of section 17, lots 6 and 7, section 16, all in township 6 south, range 31 east, Montana principal meridian, containing 325.50 acres, more or less, and situated in Big Horn County, Montana.

(b) There is reserved from the right, title, and interest transferred as to parcel B, the Indian Irrigation Service canal and appurtenant facilities, Big Horn unit, Crow Indian Irrigation Department, as now constructed or as they may be hereafter modified, until such time as said canal and appurtenant facilities may be replaced.

(c) Except as to such area as the Secretary determines to be required for the dam site and the construction and operating camp site, the right, title and interest transferred shall be exclusive of the rights to minerals, including gas and oil, beneath the surface: Provided, That no permit, license, lease or other document covering the exploration for or the extraction of such minerals shall be granted by or under the authority of the Secretary except under such conditions and with such stipulations as the Secretary deems adequate to protect the interests of the United States in the construction, operation, maintenance and use of the Yellowtail unit.

(d) The members of the Crow Tribe of Indians of Montana shall be permitted to hunt and fish in and on the Yellowtail Reservoir and taking area without a license, but they shall be subject to all other applicable conservation laws and regulations.

SEC. 3. Unless suit to determine whether an additional amount to that specified in section 1 hereof is due as just compensation is brought in the Court of Claims by the Crow Tribe within three years after the effective date of this joint resolution, the sum provided by section 1 hereof shall constitute full, complete, and final settlement of any and all claims by the tribe on account of the transfer to the United States as therein provided of the tribe's right, title, and interest in and to the lands referred to in section 2 hereof. In the event of such suit, the court shall have jurisdiction as under section 1505, title 28, United States Code and in determining just compensation shall take into account the sum specified in section 1 hereof and the rights reserved to the tribe by subsections (b), (c), and (d) of section 2 hereof. The amount embraced in such judgment, if any, as may be entered against the United States shall be deposited in the Treasury to be available in like manner as the sum specified in section 1 hereof. Review of the judgment entered shall be in the same manner, and subject

to the same limitations, as govern in the case of other claims cognizable under the aforementioned section 1505.

And the House agree to the same.

GRACIE PFOST,  
LEE METCALF,  
STEWART L. UDALL,

*Managers on the Part of the House.*

JAMES E. MURRAY,  
JOSEPH C. O'MAHONEY,  
ALAN BIBLE,  
GEORGE W. MALONE,

*Managers on the Part of the Senate.*



## STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to Senate Joint Resolution 135, providing for payment to the Crow Indian Tribe for transfer of right-of-way for the Yellowtail Dam Unit, Missouri River Basin project, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report:

This legislation authorizes and directs the transfer to the United States of certain Crow Indian tribal lands required for the construction of the Yellowtail Dam and Reservoir, and specifies the amount to be paid for such lands.

The Senate and House versions of the legislation, while differing materially in form and language, contain only one major difference in substance—the Senate-passed resolution provided for payment of \$5,000,000 for the lands while the House-passed resolution provided for payment of \$1,500,000.

The language agreed upon in conference follows closely the language of the House-passed bill but, with respect to the amount to be paid to the Crow Indian Tribe for the required lands, the conference committee agreed upon the figure in the Senate-passed resolution—\$5,000,000. Although the Crow Tribe has agreed to accept \$5,000,000, the conference committee thought it advisable to retain in the legislation the House language providing for a judicial determination in the Court of Claims in the event the position of the Crow Tribe is later changed.

Two other significant changes to the House-passed resolution were made by the conference committee: First—the payment to the Crow Tribe and any subsequent per capita distribution thereof were exempted from Federal income tax, in accordance with the generally accepted policy for payments of this nature to Indians. Second—for the protection of the Indians, a provision was added prohibiting any part of the amount paid to the Crow Tribe under the authority of the resolution being allowed for attorney fees.

STEWART L. UDALL,

GRACIE PFOST,

LEE METCALF,

*Managers on the Part of the House.*

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